

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAYNE VALENTINE,

Plaintiff,

-against-

**[PROPOSED]
JUDGMENT**

21-cv-4867 (EK) (VMS)

THE CITY OF NEW YORK; NEW YORK CITY
MAYOR BILL DE BLASIO; NEW YORK CITY POLICE
DEPARTMENT ("NYPD") COMMISSIONER DERMOT
SHEA; NYPD OFFICER MICHAEL LICATA, SHIELD
NUMBER 27684; NYPD OFFICER ALNALDO
RODRIGUEZ, SHIELD NUMBER 27536; NYPD
OFFICER DOUGHLAS SHEEHAN, SHIELD NUMBER
26759; NYPD OFFICER ARTHUR VANZILEN, SHIELD
NUMBER 29090; NYPD OFFICER JOHN VARGAS,
SHIELD NUMBER 16643; NYPD OFFICER
NASIMDZHON MELIKOV, TAX REGISTRY NUMBER
964164; NYPD OFFICER STEVEN ZANDCA, SHIELD
NUMBER 4377; NYPD SERGEANT ROBERT
BELLANTONIO, TAX REGISTRY NO. 948651; NYPD
SERGEANT MATTHEW JOZWICKI, SHIELD
NUMBER 04905; NYPD SERGEANT BILL
MORRISEY; NYPD DETECTIVE GABRIEL
ECHEVARRIA, SHEILD NUMBER 6488; NYPD
DETECTIVE RAYMOND GORDON, SHIELD
NUMBER 4592; NYPD DETECTIVE AMJAD KASAJI,
SHIELD NO. 6901; NYPD DETECTIVE WARREN
ROHAN, SHIELD NUMBER 2378; NYPD DETECTIVE
MICHAEL SCOLOVENO, SHEILD NUMBER 5901;
NYPD DETECTIVE ANIBAL TORRES, SHIELD
NUMBER 2123; AND NYPD MEMBERS JOHN DOES
1-11,

Defendants.

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WHEREAS, Plaintiff commenced this action by filing a complaint on August 29, 2021
alleging that Defendants violated Plaintiff's rights under the federal constitution and state law;
and

WHEREAS, on July 13, 2023, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants offered to allow Plaintiff to take judgment against the City of New York for Plaintiff's federal claims; and

WHEREAS, on July 26, 2023, Plaintiff accepted Defendants' Rule 68 Offer of Judgment;

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff will take judgment against Defendant City of New York in this action for the total sum of One Hundred Twenty-Five Thousand and One (\$125,001.00) Dollars to Rayne Valentine, plus reasonable attorneys' fees, expenses, and costs to the date of the offer – July 13, 2023 – for Plaintiff Rayne Valentine's federal claims.

2. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

3. In accepting the Defendants' offer of judgment, Plaintiff Rayne Valentine releases and discharges Defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff Rayne Valentine arising out of the facts and circumstances that are the subject of this action.

5. By accepting the offer of judgment, Plaintiff waives Plaintiff's rights to any claim for interest on the amount of the judgment.

6. By accepting the offer of judgment, Plaintiff Rayne Valentine agrees that the aforesaid payment of One Hundred Twenty-Five Thousand and One (\$125,001) to Rayne Valentine within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff Rayne Valentine received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If Plaintiff Rayne Valentine is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date the Plaintiff submits to counsel for Defendants a final demand letter from Medicare.

7. By acceptance of this Rule 68 Offer of Judgment, Plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff further agrees to hold harmless Defendants and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: Brooklyn, New York
_____, 2023

HON. _____